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**UNITED STATES DISTRICT COURT**

for the

District of South Carolina

Henry Jermaine Dukes

*Plaintiff*

v.

Bernard McKie, Warden of Kirkland Correctional

Institution

*Defendant*

Civil Action No. 4:11-cv-2100-TMC

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* \_\_\_\_\_ recover from the defendant *(name)* \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_ recover costs from the plaintiff *(name)* \_\_\_\_\_.

☒ other: This case is dismissed without prejudice and without requiring Respondent to file an answer or return.

This action was *(check one)*:

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Timothy M. Cain, United States District Judge. The court adopts the Report and Recommendation of the Honorable Thomas E. Rogers, III, United States Magistrate Judge.

Date: November 8, 2011

*CLERK OF COURT*

s/Debbie Stokes

*Signature of Clerk or Deputy Clerk*